

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

OPERATIONAL MEMO 111-20

October 7, 1999

TO: All Waste Management Division Supervisors  
FROM: Jim Sygo, Chief, Waste Management Division  
SUBJECT: Closed Containers

Pursuant to R 299.9306(1)(a)(i), a generator, as specified in Part 111 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, who accumulates hazardous waste in containers must do so in compliance with 40 CFR 265, Subpart I, Use and Management of Containers. 40 CFR 265 173(a) requires that, "A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."<sup>1</sup> This Operational Memo provides guidance on what Waste Management Division (WMD) considers necessary to meet this requirement.<sup>2</sup>

Three considerations affect what is a closed container under this provision:

1. The purpose of the closed container requirement is "... to minimize emission of volatile wastes, to help prevent ignitable or reactive wastes from sources of ignition or reaction, to help prevent spills, and to reduce the potential for mixing incompatible wastes and direct contact of facility personnel with waste." 45 Fed Reg. 33199 (1980). Thus, what is considered "closed," when viewed in light of meeting these purposes, may vary with the waste involved. Specifically, different requirements apply for preventing spills of liquids versus solids.

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<sup>1</sup> Treatment, storage and disposal facilities (TSDF) are also subject to a requirement that containers be closed pursuant to R 299.9614(1)(a) incorporating by reference 40 CFR Part 264. 40 CFR 264 173(a) uses language similar to that of 40 CFR 265 173 (a). The discussion in this Operational Memo applies equally to both provisions.

<sup>2</sup> Containers may also be subject to 40 CFR 265, Subpart CC, *Emission Standards for Tanks, Surface Impoundments, and Containers* if the facility is a fully regulated generator or TSDF. The Subpart CC rules apply to containers of hazardous waste that have an average volatile organic concentration greater than 500 parts per million by weight and a capacity greater than approximately 26 gallons. In general, a container with a capacity of between approximately 26 and 119 gallons must, at a minimum, be managed in a Department of Transportation-approved container or equivalent container equipped with a tight-fitting cover with no visible gaps, spaces, holes, or other openings. Additional Subpart CC control standards apply depending on waste type, container type, and management activities. Point of generation containers, or "satellite containers," however, are exempt from Subpart CC requirements. The Subpart CC requirements are to be considered distinct from, and should be applied separately from, the closed container requirement of 40 CFR 265.173

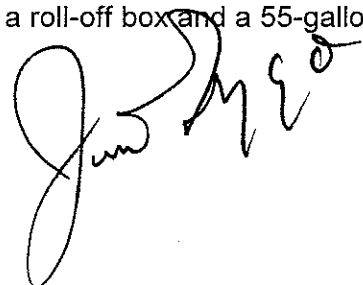
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2. What is considered closed depends on whether waste is being added or removed. Obviously, a container need not be closed at the precise moment that waste is being added, removed, or accessed for other management reasons such as sampling. A container that is being actively handled to routinely add or remove waste need not be closed in the same manner as one that is not. While what is considered the routine addition or removal of waste may vary, in general, waste must be added or removed at least once per week to be considered routine.
3. The U.S. Environmental Protection Agency considered a closed container requirement to meet these purposes "not . . . difficult to implement" and "a matter of good operating practice." 45 Fed Reg 33199 (1980). Therefore, what is necessary to close a container should not be unduly burdensome.

Based on these considerations, the WMD will use the following principles when evaluating what is necessary for a container to meet the "closed" requirement of 40 CFR 265.173(a):

1. **Containers not being actively handled to routinely add or remove waste:** The container must have an affixed cover regardless of whether it contains solids or liquids.
2. **Containers to which waste is being actively added or removed:**
  - a. **If the waste is solid:** The cover of the container must be in good condition and placed squarely on the container so that there are no apparent cracks or gaps between the lid and the container, but it need not be secured. For example, a snap ring is not required to be secured; a lid may have a swinging door opened by a foot pedal.
  - b. **If the waste is liquid:** All openings of the container must be covered with the cover securely affixed to the container. As an alternative, a cover must be squarely placed on a container that is otherwise protected from spilling and other dangers sought to be prevented by the rule. Containers for waste volatile liquids located in secondary containment and satellite containers placed or managed in areas protected from vehicles and material handling devices, or otherwise managed to prevent tipping and spilling, will be considered closed when bungs and rings are in place. Such containers may also be considered closed when equipped with funnels and funnel stem valves or gasketed funnel lids in good condition. Similarly, containers in secure locations may be determined to be closed if merely equipped with weighted and gasketed lids, bung stoppers, snap ring lids, overlapping covers, or other impermeable devices compatible with the waste, provided it fits without gaps or holes, minimizes emissions, and protects the waste from ignition sources. Failure to operate a closure device in a manner that 1) minimizes emissions, 2) would protect waste from reaction or ignition, or 3) prevents direct employee contact with waste may disqualify a particular device for use at a certain location or at the facility.

The type of container must be considered when applying these principles. For example, what is "placed squarely on the container" or "affixed" would vary between a roll-off box and a 55-gallon drum.

A handwritten signature in black ink, appearing to read "Jim Miro", is located in the bottom right corner of the page.